

REMARKS/ARGUMENTS

I. General Remarks and Status of the Claims.

Claims 1-25 remain pending in this application. Claims 1-23 and 25 are rejected. Applicant respectfully requests reconsideration in light of the remarks contained herein.

Applicant gratefully acknowledge that claim 24 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

II. Remarks Regarding the Use of the Trademark “Viton.”

The Examiner states “[t]he use of the trademark “Viton” has been noted in this application in the specification at page 7, line 2 of Para [0031]. It should be capitalized wherever it appears and be accompanied by the generic terminology.” (Office Action at 2.) Applicant thanks the Examiner for pointing out this inadvertent error and has amended paragraph [0031] of the Specification to correct for this mistake.

III. Remarks Regarding the Rejection of Claims 1-9, 13, 14, 16, 18, 19, 22, 23 and 25 Under 35 U.S.C. § 102.

Claims 1-9, 13, 14, 16, 18, 19, 22, 23 and 25 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Watkins et al (2005/0284641) (hereinafter “*Watkins*”). (Office Action at 2.) Applicant respectfully disagrees. Under 35 U.S.C. § 102(e), “[a] person shall be entitled to a patent unless . . . the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.” MANUAL OF PATENT EXAMINING PROCEDURE § 2136 (2004) (hereinafter “MPEP”).

As far as Applicant can ascertain, the *Watkins* reference is not distinguishable as prior art because it does not predate the filing date of the presented application. Please note that the filing date of the current application is January 27, 2004. The *Watkins* reference has a publication date of December 29, 2005; a filing date of June 17, 2005; and a provisional application filing date of June 24, 2004. Applicant respectfully submit that the filing date of the

present application (January 27, 2004) predates the provisional filing date of *Watkins* (June 24, 2004). Therefore, *Watkins* cannot be used as a prior art reference against the present application.

Therefore, claims 1-9, 13, 14, 16, 18, 19, 22, 23 and 25 are not anticipated by *Watkins*. Accordingly, Applicant respectfully requests withdrawal of this rejection with respect to the claims.

IV. Remarks Regarding the Rejection of Claims 10-12, 15 and 17 Under 35 U.S.C. § 103

Claims 10-12, 15 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Watkins*. (Office Action at 3.) Applicant respectfully disagrees. As discussed previously in Section III above, *Watkins* cannot be distinguished as prior art over the present application because the filing date of the present application predates the provisional filing date of *Watkins*.

Therefore, claims 10-12, 15 and 17 are not obviated by *Watkins*. Accordingly, Applicant respectfully requests withdrawal of this rejection with respect to the claims.

V. Remarks Regarding the Rejection of Claims 20 and 21 Under 35 U.S.C. § 103

Claims 20 and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Watkins* and further in view of Boer (2002/0108782) (hereinafter "*Boer*"). (Office Action at 5.) Applicant respectfully disagrees. As discussed previously in Section III above, *Watkins* cannot be distinguished as prior art over the present application because the filing date of the present application predates the provisional filing date of *Watkins*. Thus, even if *Boer* teaches "a subterranean formation located beneath the ocean floor" (Office Action at 5.), the rejection is moot because *Watkins* cannot be used in combination to supply the drilling process.

Therefore, independent claim 1 is not obviated by *Watkins* in view of *Boer*. The remaining rejected claims depend either directly or indirectly on independent claim 1. All these dependent claims, which include all the limitations of their corresponding independent claim, are allowable for at least the reasons cited above with respect to independent claim 1. Accordingly, Applicant respectfully requests withdrawal of this rejection with respect to claims 20 and 21.

VI. No Waiver

All of Applicant's arguments are without prejudice or disclaimer. Additionally, Applicant has merely discussed why the *Watkins* reference cannot be used as prior art. Other

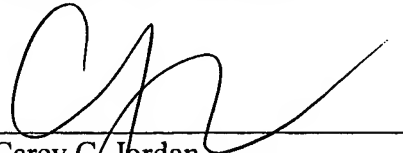
distinctions from *Watkins* may exist, and Applicant reserves the right to discuss these additional distinctions in a later Response or on Appeal, if appropriate. By not responding to additional statements made by the Examiner, Applicant does not acquiesce to the Examiner's additional statements, such as, for example, any statements relating to what would be obvious to a person of ordinary skill in the art. The example distinction discussed by Applicant is sufficient to overcome the anticipation and obviousness rejections.

SUMMARY

In light of the above remarks and arguments, Applicant respectfully requests reconsideration and withdrawal of the outstanding objections and rejections. Applicant further submits that the application is now in condition for allowance, and earnestly solicits timely notice of the same. Should the Examiner have any questions, comments, or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the attorney of record by telephone.

Applicant believes that there are no fees due in association with the filing of this Response. However, should the Commissioner deem that any additional fees are due, including any fees for extensions of time, the Commissioner is authorized to debit Baker Botts L.L.P. Deposit Account No. 02-0383, Order No. 063718.0163, for any underpayment of fees that may be due in association with this filing.

Respectfully submitted,



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